

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE CITY DIVISION  
1:07cv330**

**TAMMY A. MCMAHAN,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

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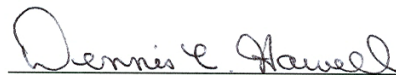
**ORDER**

Pending before the Court is Plaintiff's Motion for Attorney's Fees [# 40]. Pursuant to 28 U.S.C. § 2412(d)(1)(A), Plaintiff's counsel requests an award of fees in the amount of \$3808.50. The Commissioner does not object to the amount of the award. The Court finds that the fees requested in this case are reasonable in light of the services rendered by counsel. In addition, the Court finds that the Commissioner should accept an assignment of the awarded fees by the Plaintiff to her attorney and upon receipt of such assignment, the Commissioner shall pay that award of fees directly to Plaintiff's counsel, provided that it is shown that as of the date of this Order, the Plaintiff does not owe any debt to the United States Government that is subject to offset. See Astrue v. Ratliff, \_\_\_ U.S. \_\_\_, 130 S. Ct. 2521 (2010). Accordingly, the Court **GRANTS** Plaintiff's Motion for Attorney's

Fees [# 40], and the Court **AWARDS** Plaintiff her attorney's fees in the amount of Three Thousand Eight Hundred and Eight Dollars and Fifty Cents (\$3808.50). This sum shall constitute full satisfaction of any and all claims by the Plaintiff in this case pursuant to 28 U.S.C. § 2412(d).

The Court also **DIRECTS** the Commissioner to inform Plaintiff's counsel whether the Plaintiff owes a debt to the Government by which this fee award may be offset no later than thirty (30) days from entry of this Order. Within the same time period, the Plaintiff shall provide any valid fee assignment to the Defendant. Finally, the Court **INSTRUCTS** the parties that no additional Petition pursuant to 28 U.S.C. §2412(d) may be filed.

Signed: May 16, 2012

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Dennis L. Howell  
United States Magistrate Judge

